

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States District Court
Southern District of Texas
FILED

FEB 10 2015

Clerk of Court

United States of America
v.
Jose Ivan HERNANDEZ Martinez YOB: 1986
COB: Mexico

Case No.

M-15-0203-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 9, 2015 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Title 18 USC 922(g)(5).

Offense Description

Knowingly and unlawfully, being an alien, illegally or unlawfully in the United States; or admitted into the United States under a nonimmigrant visa, shipped or transported in interstate or foreign commerce, or possessed in or affecting commerce of one (1) Browning 9mm semi-automatic pistol with magazine and eleven (11) 9mm cartridges.

This criminal complaint is based on these facts:

SEE ATTACHMENT "A."

☒ Continued on the attached sheet.Approved
Sgt. Leonard
Complainant's signature

Hector Berlanga, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 02/10/2015

Judge's signature

City and state: McAllen, Texas

Dorina Ramos, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

On February 9, 2015, Homeland Security Investigations (HSI), Special Agents (SA) from the office of the Assistant Special Agent in Charge, Harlingen, Texas (ASAC/HG) responded to the McAllen, TX, US Border Patrol (BP) station, relating to the apprehension of one (1) undocumented alien (UDA) in possession of one (1) Browning 9mm semi-automatic pistol loaded with (11) 9mm cartridges.

On February 9, 2015 the South Texas Campaign (STC)/Joint Targeting Team Agents conducted a surveillance on 528 Huisache Circle, Donna, TX. where the Agents had identified the address to be linked to Jose Ivan HERNANDEZ Martinez a citizen of Mexico unlawfully present in the U.S. HERNANDEZ Martinez had been previously identified as being a member of a rip-crew operating in the Donna, TX. area by STC. At approximately 2:30pm, Agents observed a black Chevrolet Camaro depart the aforementioned location.


With the assistance of the Donna, TX. Police Department (DPD) a traffic stop was conducted on the black Chevrolet Camaro for failure to yield at a yield intersection. The DPD Officer and the Agents approached the vehicle where HERNANDEZ Martinez was positively identified. HERNANDEZ Martinez freely admitted to the BP Agents that he was in the U.S. illegally and did not have any legal documentation to remain in the U.S.

BP Agents read HERNANDEZ Martinez his Miranda Rights where HERNANDEZ Martinez stated that he understood his rights. A search incident to arrest of the vehicle revealed that HERNANDEZ Martinez had a loaded Browning 9mm semi-automatic pistol in the glove compartment of the vehicle.

HSI SA H. Berlanga arrived at the McAllen, TX, BP Station and identified himself to HERNANDEZ Martinez. HERNANDEZ Martinez was provided his Miranda Rights in the Spanish language. HERNANDEZ Martinez read his rights, and stated that he understood his rights. HERNANDEZ Martinez agreed to give HSI SA H. Berlanga a statement without the presences of an attorney.

HERNANDEZ Martinez stated that he is a national and citizen of Mexico who is currently present in the U.S. without the proper Immigration documents. HERNANDEZ Martinez stated that he purchased the pistol for 500 dollars about two (2) months ago from an unknown male subject outside a bar in Alamo, TX. HERNANDEZ Martinez stated that he knew that the firearm was loaded and was in the glove compartment of his vehicle.

HERNANDEZ Martinez stated that he knows it is illegal to possess firearms being illegally present in the United States.

 THE BROWNING 9MM PISTOL WAS MANUFACTURED OUTSIDE THE STATE OF TEXAS. MARKINGS ON THE PISTOL SLIDE STATE THAT THE PISTOL WAS MANUFACTURED IN UTAH.